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OFFICE OF PETITIONS

FINNEGAN HENDERSON FARABOW GARRETT
& DUNNER LLP
901 NEW YORK AVENUE NW
WASHINGTON DC 20001-4413

In re :
Coen. et al. : DECISION REGARDING
Application No. 09/816,467 : PATENT TERM ADJUSTMENT
Filed: March 26, 2001 :
Attorney Docket No. 03495.0174-01 :

This decision is in response to the "NOTICE OF POSSIBLE ERROR IN THE DETERMINATION OF PATENT TERM ADJUSTMENT AND REQUEST FOR CLARIFICATION OF CALCULATION", filed April 25, 2008, requesting correction of the patent term adjustment (PTA) indicated on the patent.

The request is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **four hundred eleven (411) days**. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

The Office determined a patent term adjustment of four hundred twelve (412) days based on an adjustment for PTO delay of one hundred twenty-three (123) days pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1), and seven hundred twenty-four (724) days pursuant to 35 U.S.C. 154(b)(1)(A)(ii) and

37 C.F.R. § 1.703(b)(4) reduced by twenty-three (23), sixty-one (61), ninety-one (91), ninety-one (91), ninety (90), and seventy-nine (79) days of applicant delay, all pursuant to 35 U.S.C. 154(b)(2)(C)(ii) and 37 C.F.R. § 1.704(b). The adjustment of seven hundred twenty-four (724) days is at issue.

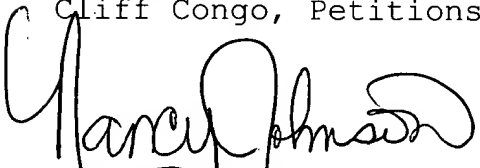
The Office should have been assessed seven hundred twenty-three (723) days pursuant to 37 C.F.R. 1.703(b)(4), not seven hundred twenty-four (724) days as indicated in PAIR. Applicants filed a Notice of Appeal on November 4, 2003. A review of the official record indicates that the Board mailed its decision on October 26, 2005, not October 27, 2005 as indicated in PAIR. Accordingly, seven hundred twenty-three (723) days of PTO delay is the proper calculation.

In view thereof, the correct determination of PTA at the time of the mailing of the Notice of Allowance is **four hundred eleven (411)** days (846 days of PTO delay, reduced by 435 days of applicant delay).

No petition fee was required and none has been charged. The Office thanks Applicants for their good faith and candor in bringing this matter to the attention of the Office.

The matter is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries specific to this letter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enc: updated PALM screen

Day : Monday
Date: 7/28/2008

PALM INTRANET

Time: 17:02:41

PTA Calculations for Application: 09/816467

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|--------------------------|------------|-------------------------|-----|
| Application Filing Date: | 03/26/2001 | PTO Delay (PTO): | 847 |
| Issue Date of Patent: | | Three Years: | 0 |
| Pre-Issue Petitions: | 0 | Applicant Delay (APPL): | 435 |
| Post-Issue Petitions: | 0 | Total PTA (days): | 411 |
| PTO Delay Adjustment: | -1 | | |

File Contents History

| Number | Date | Contents Description | PTO | APPL | START |
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| 124 | 07/28/2008 | ADJUSTMENT OF PTA CALCULATION BY PTO | | 724 | |
| 123 | 07/28/2008 | ADJUSTMENT OF PTA CALCULATION BY PTO | | 724 | |
| 122 | 07/28/2008 | ADJUSTMENT OF PTA CALCULATION BY PTO | 723 | | |
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| 120 | 07/28/2008 | ADJUSTMENT OF PTA CALCULATION BY PTO | | 723 | |
| 119 | 07/28/2008 | ADJUSTMENT OF PTA CALCULATION BY PTO | 724 | | |
| 105 | 03/21/2008 | MAIL NOTICE OF ALLOWANCE | | | |
| 104 | 03/18/2008 | ISSUE REVISION COMPLETED | | | |
| 103 | 03/18/2008 | DOCUMENT VERIFICATION | | | |
| 102 | 03/18/2008 | EXAMINER'S AMENDMENT COMMUNICATION | | | |
| 101 | 03/17/2008 | NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED | | | |
| 100 | 03/17/2008 | CASE DOCKETED TO EXAMINER IN GAU | | | |
| 99 | 03/17/2008 | NOTICE OF ALLOWABILITY | | | |
| 97 | 01/03/2008 | DATE FORWARDED TO EXAMINER | | | |
| 96 | 12/07/2007 | RESPONSE AFTER NON-FINAL ACTION | | 79 | 88 |
| 95 | 11/30/2007 | MAIL NOTICE OF INFORMAL OR NON-RESPONSIVE AMENDMENT | | | |
| 93 | 11/19/2007 | MAIL-PETITION DECISION - GRANTED | | | |
| 92 | 11/19/2007 | PETITION DECISION - GRANTED | | | |
| 91 | 09/24/2007 | PETITION ENTERED | | | |
| 89 | 09/27/2007 | DATE FORWARDED TO EXAMINER | | | |
| 88.1 | 09/19/2007 | INFORMAL OR NON-RESPONSIVE AMENDMENT AFTER EXAMINER ACTION | | | |
| 88 | 09/19/2007 | RESPONSE AFTER NON-FINAL ACTION | | 90 | 82 |
| 87 | 09/19/2007 | REQUEST FOR EXTENSION OF TIME - GRANTED | | | |

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| 86 | 07/14/2006 | INFORMATION DISCLOSURE STATEMENT CONSIDERED | | | |
| 85 | 07/14/2006 | INFORMATION DISCLOSURE STATEMENT (IDS) FILED | | | |
| 84 | 03/26/2001 | INFORMATION DISCLOSURE STATEMENT CONSIDERED | | | |
| 83 | 03/26/2001 | INFORMATION DISCLOSURE STATEMENT (IDS) FILED | | | |
| 82 | 03/21/2007 | MAIL NON-FINAL REJECTION | | | |
| 81 | 03/17/2007 | NON-FINAL REJECTION | | | |
| 80 | 03/12/2007 | DATE FORWARDED TO EXAMINER | | | |
| 79 | 02/27/2007 | AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE | | | |
| 78 | 03/12/2007 | DATE FORWARDED TO EXAMINER | | | |
| 77 | 02/27/2007 | REQUEST FOR CONTINUED EXAMINATION (RCE) | | 91 | 69 |
| 76 | 03/12/2007 | DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA) | | | |
| 75 | 02/27/2007 | REQUEST FOR EXTENSION OF TIME - GRANTED | | | |
| 74 | 02/27/2007 | WORKFLOW - REQUEST FOR RCE - BEGIN | | | |
| 73 | 01/08/2007 | MAIL ADVISORY ACTION (PTOL - 303) | | | |
| 72 | 01/04/2007 | ADVISORY ACTION (PTOL-303) | | | |
| 71 | 12/05/2006 | DATE FORWARDED TO EXAMINER | | | |
| 70 | 11/27/2006 | AMENDMENT AFTER FINAL REJECTION | | | |
| 69 | 08/28/2006 | MAIL FINAL REJECTION (PTOL - 326) | | | |
| 68 | 08/25/2006 | FINAL REJECTION | | | |
| 67 | 07/07/2006 | DATE FORWARDED TO EXAMINER | | | |
| 66 | 06/28/2006 | RESPONSE AFTER NON-FINAL ACTION | | 91 | 63 |
| 65 | 06/28/2006 | REQUEST FOR EXTENSION OF TIME - GRANTED | | | |
| 64 | 01/03/2006 | IFW TSS PROCESSING BY TECH CENTER COMPLETE | | | |
| 63 | 12/29/2005 | MAIL NON-FINAL REJECTION | | | |
| 62 | 12/21/2005 | NON-FINAL REJECTION | | | |
| 61 | 10/27/2005 | MAIL BPAI DECISION ON APPEAL - REVERSED | 724 | | 29 |
| 60 | 10/26/2005 | BPAI DECISION - EXAMINER REVERSED | | | |
| 59 | 09/26/2005 | MISCELLANEOUS INCOMING LETTER | | | |
| 58 | 09/13/2005 | CONFIRMATION OF HEARING BY APPELLANT | | | |
| 57 | 06/03/2005 | DOCKETING NOTICE MAILED TO APPELLANT | | | |

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|----|------------|--|--|----|----|
| 56 | 06/03/2005 | ASSIGNMENT OF APPEAL NUMBER | | | |
| 55 | 05/20/2005 | APPEAL AWAITING BPAI DOCKETING | | | |
| 54 | 04/13/2005 | MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT | | | |
| 53 | 04/12/2005 | MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT | | | |
| 52 | 12/06/2004 | ORDER RETURNING UNDOCKETED APPEAL TO THE EXAMINER | | | |
| 46 | 10/06/2004 | APPEAL AWAITING BPAI DOCKETING | | | |
| 45 | 09/28/2004 | MAIL REPLY BRIEF NOTED BY EXAMINER | | | |
| 44 | 09/27/2004 | REPLY BRIEF NOTED BY EXAMINER | | | |
| 43 | 07/19/2004 | REQUEST FOR ORAL HEARING | | | |
| 42 | 07/24/2004 | DATE FORWARDED TO EXAMINER | | | |
| 41 | 07/19/2004 | REPLY BRIEF FILED | | | |
| 40 | 05/18/2004 | MAIL EXAMINER'S ANSWER | | | |
| 39 | 05/17/2004 | EXAMINER'S ANSWER TO APPEAL BRIEF | | | |
| 38 | 03/04/2004 | DATE FORWARDED TO EXAMINER | | | |
| 37 | 03/01/2004 | APPEAL BRIEF FILED | | | |
| 36 | 03/01/2004 | REQUEST FOR EXTENSION OF TIME - GRANTED | | | |
| 35 | 02/27/2004 | MAIL ADVISORY ACTION (PTOL - 303) | | | |
| 34 | 02/25/2004 | ADVISORY ACTION (PTOL-303) | | | |
| 33 | 02/14/2004 | REFERENCE CAPTURE ON IDS | | | |
| 32 | 02/09/2004 | DATE FORWARDED TO EXAMINER | | | |
| 31 | 02/03/2004 | AMENDMENT/ARGUMENT AFTER NOTICE OF APPEAL | | | |
| 30 | 02/03/2004 | REQUEST FOR EXTENSION OF TIME - GRANTED | | | |
| 29 | 11/04/2003 | NOTICE OF APPEAL FILED | | 61 | 23 |
| 28 | 11/04/2003 | REQUEST FOR EXTENSION OF TIME - GRANTED | | | |
| 27 | 10/20/2003 | MAIL ADVISORY ACTION (PTOL - 303) | | | |
| 26 | 10/19/2003 | ADVISORY ACTION (PTOL-303) | | | |
| 25 | 09/09/2003 | DATE FORWARDED TO EXAMINER | | | |
| 24 | 08/29/2003 | AMENDMENT AFTER FINAL REJECTION | | | |
| 23 | 06/04/2003 | MAIL FINAL REJECTION (PTOL - 326) | | | |
| 22 | 06/04/2003 | FINAL REJECTION | | | |
| 21 | 04/15/2003 | DATE FORWARDED TO EXAMINER | | | |
| 20 | 04/10/2003 | RESPONSE AFTER NON-FINAL ACTION | | 23 | 18 |
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| 19 | 04/10/2003 | REQUEST FOR EXTENSION OF TIME - GRANTED | | | |
| 18 | 12/18/2002 | MAIL NON-FINAL REJECTION | | | |
| 17 | 12/16/2002 | NON-FINAL REJECTION | | | |
| 16 | 10/29/2002 | DATE FORWARDED TO EXAMINER | | | |
| 15 | 10/24/2002 | RESPONSE TO ELECTION / RESTRICTION FILED | | | |
| 14.7 | 10/24/2002 | INFORMATION DISCLOSURE STATEMENT (IDS) FILED | | | |
| 14 | 10/24/2002 | INFORMATION DISCLOSURE STATEMENT (IDS) FILED | | | |
| 13 | 09/26/2002 | MAIL RESTRICTION REQUIREMENT | 123 | | -1 |
| 12 | 09/26/2002 | REQUIREMENT FOR RESTRICTION / ELECTION | | | |
| 11 | 08/20/2002 | CASE DOCKETED TO EXAMINER IN GAU | | | |
| 10.7 | 11/29/2001 | INFORMATION DISCLOSURE STATEMENT (IDS) FILED | | | |
| 10 | 11/29/2001 | INFORMATION DISCLOSURE STATEMENT (IDS) FILED | | | |
| 9 | 06/29/2001 | PRELIMINARY AMENDMENT | | | |
| 8 | 06/29/2001 | PRELIMINARY AMENDMENT | | | |
| 7 | 09/11/2001 | APPLICATION DISPATCHED FROM OIPE | | | |
| 6 | 04/30/2001 | APPLICATION IS NOW COMPLETE | | | |
| 5 | 08/15/2001 | CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE | | | |
| 4 | 04/30/2001 | NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED | | | |
| 3 | 04/26/2001 | CORRESPONDENCE ADDRESS CHANGE | | | |
| 2 | 04/20/2001 | IFW SCAN & PACR AUTO SECURITY REVIEW | | | |
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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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